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March 31, 2014

By Email

Sarah P. Flanagan, Esq.
Assistant Regional Counsel
USEPA
Office of Regional Counsel, Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866

Re: Diamond Alkali, Lower Passaic River Study Area – River Mile 10.9
Unilateral Administrative Order for Removal Response Activities
USEPA Region 2 CERCLA Docket No. 02-2012-2020

Dear Ms. Flanagan:

In your letter of March 11, 2014, you asked that we submit an evaluation of the legal and administrative constraints that might apply to removal of sediments above the two water mains owned by the Jersey City Municipal Utilities Authority at River Mile 10.9 in the Lower Passaic River. Having consulted with our clients' New Jersey counsel, we have not identified any such constraints, other than the State of New Jersey authorizations to conduct work in the River as earlier identified by the Cooperating Parties Group. Further, our clients' New Jersey counsel discussed this issue with a representative of JCMUA, who was also unaware of any legal or regulatory constraint on the work (again, the focus was on identifying new requirements not already identified by the CPG).

As part of this research, our clients' New Jersey counsel noted that a New Jersey statute, NJSA 40:14B-68, provides that "nothing contained in this act [the Municipal and County Utilities Authorities Law] shall in any way affect or limit the jurisdiction, powers or rights of" a number of state agencies, including one that was subsequently incorporated into the New Jersey Department of Environmental Protection. All told, this effort identified no

additional requirements for performance of the work beyond those that have already been identified.

Please advise if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Carol Dinkins", with a stylized, cursive script.

Carol E. Dinkins

cc: Ray Basso
Stephanie Vaughn
Patricia Hick